

Nondiscrimination Orientation & Training



03/2017

Presented by
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Perry County ADA & Title VI Coordinator

Disclaimer

- This presentation is for informational purposes only. It is not intended to constitute legal advice.
- Compliance with accessibility & nondiscrimination laws is an ongoing responsibility.
- The laws and regulations may change.
- Perry County makes no warranties regarding the accuracy, completeness or adequacy of the information provided.

Introduction

- As recipients of Federal funds, Perry County has direct legal requirements to comply with nondiscrimination and accessibility laws including:
 - Title VI of the Civil Rights Act of 1964 (Title VI);
 - Civil Rights Restoration Act of 1987;
 - Section 504 of the Rehabilitation Act of 1973;
 - The Americans with Disabilities Act of 1990 (ADA); and
 - other laws, amendments, executive orders and regulations related to nondiscrimination and accessibility.
- In order to remain eligible for Federal funding from the Federal Highway Administration (FHWA) via Indiana Department of Transportation (INDOT), Perry County must show good faith effort in complying with nondiscrimination and accessibility laws and the requirements set forth by the FHWA and INDOT.
- Employee training and participation are necessary to demonstrate that nondiscrimination laws and regulations are being integrated into Perry County's policies and practices.

Legal Landscape

- Title VI of the Civil Rights Act of 1964 (Title VI)
 - “No person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (42 U.S.C. 2000d)
 - Federal funds stem from tax dollars paid by all people and the programs and facilities developed from them must benefit everyone equally.
- Civil Rights Restoration Act of 1987
 - Clarified and restored the intent of Title VI.
 - Recipients of federal funds must comply with civil rights laws in all areas, not just in the particular program or activity that received federal funding.
- The full text of Title VI prohibits discrimination on the basis of *race, color, or national origin*. Since Title VI was passed, additional regulations and executive orders have extended that list to also include prohibitions for discrimination against others on the basis of *religion, sex, sexual orientation, gender identity, age, disability, income status, and limited English proficiency*.

- **Section 504 of The Rehabilitation Act of 1973**

- Obligates state and local governments to ensure that persons with disabilities have equal access to any programs, services, or activities receiving Federal financial assistance.
- Covered entities are also required to ensure that their employment practices do not discriminate on the basis of disability.

- **The Americans with Disabilities Act of 1990 (ADA)**

- A civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. People with disabilities have the same rights and opportunities as everyone else.
- The ADA extends to all activities of state and local governments, whether or not they receive Federal funds.
- The ADA is divided into five titles; Titles I and II apply to state and local governments.

• Title I of the ADA - Employment

- Prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.
- A qualified individual with a disability is an individual with a disability who meets legitimate skill, experience, education, or other requirements of an employment position that s/he holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation.
- Title I is enforced by the U.S. Equal Employment Opportunity Commission. For more information, visit www.eeoc.gov.

• Title II of the ADA - State and Local Governments

- Protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by state and local government (“public entities”), including all departments, agencies, special purpose districts, and other instrumentalities.
- Requires all state and local governments to evaluate their services, policies, and practices and to modify any that do not meet ADA requirements.
- Entities with 50 or more employees are required to develop a transition plan detailing any structural changes that would be undertaken to achieve program access, and specifying a time frame for their completion.
- Title II entities that contract with other entities to provide public services also have an obligation to ensure that their contractors do not discriminate against people with disabilities.

Federal Highway Administration (FHWA)

Compliance Monitoring of Recipients & Subrecipients

- Title VI Program Statement

"FHWA Division Offices are responsible for ensuring that all Recipients (State Transportation Agencies) have an approved Title VI/Nondiscrimination Plan and submit Annual Update Reports. Additionally, the Division Offices are responsible for ensuring that the State Transportation Agencies are implementing an effective Monitoring Program of their Subrecipients' efforts to effectively implement Title VI and the additional Nondiscrimination requirements."

- ADA Program Statement

"The FHWA ensures that recipients of Federal aid and State and local entities that are responsible for roadways and pedestrian facilities do not discriminate on the basis of disability in any highway transportation program, activity, service or benefit they provide to the general public; and to ensure that people with disabilities have equitable opportunities to use the public rights-of-way system."

Indiana Department of Transportation (INDOT)

Compliance Monitoring of Subrecipients

- INDOT requires Local Public Agencies (LPAs) to annually complete a comprehensive survey as a condition of being awarded federal financial assistance.
- INDOT reviews the information and documentation submitted by the LPA and evaluates whether the LPA provided substantive evidence of making a good faith effort to comply with nondiscrimination laws.
- Pursuant to INDOT's subrecipient compliance monitoring policy, noncompliant subrecipients will not be eligible to apply for additional new funding opportunities.

What are Perry County's responsibilities?

Accessibility Requirements:

1. Have a designated ADA Coordinator
2. Develop and post an ADA accessibility policy
3. Complete a self-evaluation of all public facilities & programs
4. Develop a transition plan
5. Design & build accessible facilities & programs
6. Have a complaints and public input/request procedure
7. Review & monitor compliance

What are Perry County's responsibilities?

Nondiscrimination Requirements:

1. Have a Title VI Coordinator
2. Develop and post a nondiscrimination policy
3. Sign Assurances of Nondiscrimination
4. Obtain Title VI training and train staff regularly
5. Have a grievance procedure and complaint log
6. Have an annual Title VI Implementation Plan
7. Develop an Annual Goals & Accomplishments Report
8. Monitor subrecipients for compliance
9. Have a public involvement plan (include Environmental Justice & Limited English Proficiency segments)
10. Review and monitor compliance

Perry County's Nondiscrimination Plans:

ADA Transition Plan

- Perry County's first ADA Transition Plan was adopted on June 3, 2013.
- Updates to the Plan will occur as identified barriers are removed and key elements of the Plan are further developed or changed.
- The ADA Transition Plan may be viewed in its entirety in the Courthouse Administration Office. Some elements of the Plan may be viewed on the County's website, www.perrycounty.in.gov.

Title VI Implementation Plan

- Perry County's first Title VI Implementation Plan was adopted on February 1, 2016.
- This plan is updated annually at the Commissioners' first meeting in February.
- The most current version of the Title VI Implementation Plan is published on the County's website. A hard copy is also available for viewing in the Courthouse Administration Office.

Perry County's ADA & Title VI Coordinator

Teresa Kanneberg

ADA & Title VI Coordinator

Courthouse Administration Office

2219 Payne Street

Tell City, IN 47586

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- Appointed by the Commissioners
- Responsible for the oversight and coordination of compliance with ADA, Title VI, and all related statutes, regulations and directives

Complaint Process:

- If allegations or complaints of discrimination are made in your department, please advise them that they may file a complaint.
- Perry County has policies and forms for ADA and Title VI complaints on the County's website, www.perrycounty.in.gov. Please offer complainants a copy of the appropriate policy and form or direct them to the website.
- If a complainant needs assistance filing a complaint, please provide the complainant with the ADA & Title VI Coordinator's contact information.
- Please keep a detailed record of all instances when a discrimination allegation or complaint is made in your department, even if a formal complaint is not made.
- Report all allegations and/or complaints to the ADA & Title VI Coordinator immediately.

Nondiscrimination & Accessibility Policies

- All Perry County employees are required to review and abide by the County's ADA & Title VI Nondiscrimination Policies. Please read the [ADA Notice of Nondiscrimination](#) and [Title VI Notice of Nondiscrimination](#) on the county's website.

Employer/Employee Dissemination & Training

- All Perry County employees, including new hires, are required to sign an acknowledgement form indicating that they have reviewed and will abide by Perry County's nondiscrimination policies. Signed forms will be kept in each employee's file.
- The ADA & Title VI Coordinator will occasionally provide Perry County Department Heads and their staff with information, resources, and training opportunities to assist them and their staff in complying with nondiscrimination requirements and the County's policies.
- Department heads must ensure that nondiscrimination is periodically a topic for discussion.

Data Collection, Public Outreach & Public Input

- In addition to documenting allegations and complaints of discrimination, Department Heads and their staff are also asked to document and report any occurrences and circumstances of encounters with persons that cannot speak, read or understand English and/or when accommodations or modifications were made for persons with disabilities.
- Department reports, Census data, and voluntary surveys are some of the various types of data that will be collected, monitored and analyzed to ensure that all citizens have meaningful access to Perry County's programs, services, and information.
- Public meetings provide opportunities for public input and comments on the County's nondiscrimination policies and plans.
- Public meetings are published on the County's website, meeting announcements and agendas are sent to the local newspaper and other media outlets, and meetings are held in accessible locations.

Annual Goals & Accomplishments Reports

- The Perry County ADA & Title VI Coordinator will develop goals for the County's nondiscrimination plans and will share them with Department Heads to disseminate to their staff.
- The Annual Goals & Accomplishments Reports may be viewed on the county's website.
- The Coordinator will meet periodically with Department Heads to collect requested data and reports and share important information and resources.
- Please contact the Coordinator if you have any questions, concerns, comments, or if you would like any additional information regarding nondiscrimination.



A team approach is key to achieving successful
compliance with nondiscrimination laws
and regulations.

Thank you for your cooperation & assistance!

Please sign and date the provided acknowledgement form indicating that you have reviewed and will abide by Perry County's Nondiscrimination Policies.